

SUMMARY REPORT DIGEST

Civilian Office of Police Accountability

LOG NO

1085472

TYPE

CR

DATE OF REPORT

29-NOV-2017

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: CHIEF ADMINISTRATOR,
Civilian Office of Police Accountability

CHIEF,
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
WHITE, DWIGHT	9181			113	

REFERENCE NOS. (LIST ALL RELATED C.I., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS:	DATE / TIME:	05-JUN-2017 14:06	BEAT:	613
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
STACKER, GREGORY A	9171	1876		006	015	M / BLK	964	1996	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
				F / BLK	

VICTIMS

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
				F / BLK	

WITNESSES

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
	RANK: 9161,STAR NO: 8309,EMP NO: 17624			F / WHI	
	RANK: 9161,STAR NO: 17624,EMP NO: 17624			F / WHI	

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

See Report

SUMMARY

See Report

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:

FINDINGS - RECOMMENDATIONS

See Report

DATE INITIATED
(Date incident was received for investigation)

11-JUL-2017

DATE COMPLETED (Date of this report)

29-NOV-2017

ELAPSED TIME
(Total time expressed in days)

141

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
LOG#1085472

SUMMARY OF INCIDENT

On June 1, 2017, [REDACTED] was pulled over for a routine traffic stop for expired license plates and a broken tail light. [REDACTED] was also given a ticket for a failure to produce her physical driver's license. [REDACTED] refused to sign for her tickets. A supervisor was then called to the scene. Sgt. Stacker arrived at the scene, and ultimately arrested [REDACTED] for resisting arrest, and failure to produce a driver's license.

ALLEGATIONS

It is alleged that on June 1, 2017, at or near 79th S. Halsted, **Sgt. Gregory Stacker star 1876**:

1. Pulled [REDACTED] out of her vehicle after she refused to step out;
2. Stated words to the effect of "I don't give a fuck about you being pregnant;"
3. Threw [REDACTED] to her knees, causing injury, and handcuffed her;
4. Engaged in unjustified verbal interaction with civilians present near the scene of [REDACTED] arrest.

APPLICABLE RULES AND LAWS

Rule 2: prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 8: prohibits the disrespect to or maltreatment of any person, while on or off duty.

Rule 9: prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Chicago Police Department General Order G03-02-01 – The Use of Force Model

INVESTIGATION

In an interview with IPRA¹ on August 17, 2017, Complainant, [REDACTED], stated that two unknown officers initially pulled her over down the street from a gas station near 82nd and Halsted. The officers wrote her tickets, and she refused said tickets. She stated that they asked her to step out of her vehicle and to come down to the station and get an "I-Bond."² [REDACTED] refused and asked for a sergeant. A sergeant arrived on scene and he began explaining that [REDACTED] needed to get out of the vehicle, come down to the station, and get issued an I-bond. [REDACTED] stated that once she refused, the sergeant reached his hand into her window and tried to unlock her driver side car door. She stated that they tussled over the door lock and the sergeant finally unlocked the car door. [REDACTED] stated that officers took her out of the car and grabbed

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² An "I-Bond" is a personal recognizance bond, which allows an individual charged with a criminal offense to be released from custody without having to post any bond money.

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
LOG#1085472

her arm. [REDACTED] stated that she told officers that she was pregnant and in turn she stated that the sergeant said "I don't give a fuck about you being pregnant", and proceeded to arrest her while she was on the ground.

[REDACTED] stated that she refused to sign for the tickets because the two officers that pulled her over previously wrote her tickets on May 7, and May 9, of 2017. [REDACTED] stated that the next day she went to the hospital for swelling in her knee. [REDACTED] did not know the name or star number of any of the officers or the sergeant. (Attachment. 9)

The **Arrest Report** of [REDACTED] documents that she was initially pulled over for a broken tail light. When officers approached they noticed an improper display of her front license plate and no city sticker. [REDACTED] gave officers her state I.D. and her insurance but not her driver's license. [REDACTED] then refused to sign for her tickets and requested a sergeant. The arrest report states that Sgt. Stacker explained bond procedures and that [REDACTED] still failed to comply. [REDACTED] was then ordered out of the vehicle and [REDACTED] refused to comply. Sgt. Stacker then reached his hand in the driver's side window, after attempting to open the driver's side door which was locked, [REDACTED] attempted to roll up the window while Sgt. Stacker was attempting to open the door. Once the door was opened [REDACTED] stepped out. Officer Garbacz attempted to place a handcuff on [REDACTED] left wrist and [REDACTED] pulled away. The arrest report then states that the officers were able to place [REDACTED] hands behind her and place her into custody. The arrest report states that this incident was captured on body worn cameras. (Attachment. 5)

The **Original Case Incident Report** contains the same information as the arrest report. The narrative section is also consistent with the arrest report. (Attachment. 7)

The **Tactical Response Report** completed by Officer Garbacz documents that [REDACTED] did not follow verbal commands was a passive resister that became an active resister by pulling away. Officer Garbacz's TRR states that she used her presence as a police officer and verbal commands in response to [REDACTED] actions. (Attachment. 6)

A request for **Medical Records** was sent to [REDACTED] on August 24, 2017. [REDACTED] is the hospital that [REDACTED] stated that she went for treatment on June 2, 2017. She was evaluated for right knee pain. She was given pre-natal care and a multivitamin. She was released that same day. The medical records show that her knee she had no bruises, fractures, dislocations, or abnormalities. (Attachment. 14)

The **Body Worn Camera of Sgt. Stacker** is 8 minutes and 16 seconds long and was taken on June 1, 2017. Sgt. Stacker black, male and is in full uniform. The video shows Sgt. Stacker explaining to [REDACTED] that she needs to come down to the station, and sign an I-bond because she did not have a driver's license. [REDACTED] asked Sgt. Stacker why she had to come down to the station if her license is valid, to which Sgt. Stacker stated that [REDACTED] did not have the license with her. [REDACTED] responded that if officers ran her name it would clearly show that her license was valid. Sgt. Stacker stated that that was not how it goes, and told her that she was going into the station and an I-bond would be written. [REDACTED] told Sgt. Stacker that she did not understand the process. Sgt. Stacker told her that if she had a driver's license everything, "would be cool." Sgt. Stacker stated that because she does not have a license she would need to go down to the station, since she gave her license up in lieu of a bond. [REDACTED] attempted to tell Sgt. Stacker that she did not give up her license in lieu of a bond – at that point, Sgt. Stacker interrupts her and states that he has explained the process as best he can and that she will exit the vehicle and go down to the station and be written and I-

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
LOG#1085472

bond. [REDACTED] then asks if she could call her mother, to which Sgt. Stacker states he is not going to allow [REDACTED] to call her mother. Sgt. Stacker asks [REDACTED] if she is ready to comply.

[REDACTED] responds by asking Sgt. Stacker another question about the bond procedure. At that moment, Sgt. Stacker raises his voice, points to [REDACTED] and states that she is a traffic violator bond offender, to which [REDACTED] states she does not understand. Sgt. Stacker next gives [REDACTED] an ultimatum and tells her that they can do it the civil way, or the other way. When [REDACTED] asks what the other way is Sgt. Stacker responds that the officers will take her into custody. [REDACTED] responds that she does not want to be taken into custody, Sgt. Stacker then orders [REDACTED] out of the car. [REDACTED] asks why she has to step out of the car. At that moment Sgt. Stacker puts his hand in [REDACTED] car window and the two tussle over the driver's side door lock. While struggling over the door lock, [REDACTED] asks again why she is stepping out of her car to which Sgt. Stacker states that they are not going to do this. [REDACTED] attempts to raise her car window to which Sgt. Stacker opens up the car door and tells her that she is going to jail for resisting. [REDACTED] asks again why she's stepping out of the car and Sgt. Stacker responds by saying I already told you why and again orders her out of the car. [REDACTED] steps out of the car and yells to bystanders across the street to go to [REDACTED] and get her mom.

Sgt. Stacker replies by yelling to the bystanders across the street to "go get her mom, and tell her mom that when she come up here acting a fool I'm going to lock her up too." [REDACTED] tells the officer that is attempting to put handcuffs on her not to grab her arm. She then slightly pulls away. Sgt. Stacker then grabs [REDACTED] arm pulls her closer to him, turns her around, places her on her knees and to the ground. [REDACTED] yells out that she is fucking pregnant to which Sgt. Stacker replied, "I don't give a damn". [REDACTED] is then stood up by another officer. The officer walks [REDACTED] to the officer's car. [REDACTED] yells out to unknown bystanders across the street for someone to go to [REDACTED] and to get her mother and her brother, [REDACTED] is then placed in the police car. (Attachment. 11)

The Body Worn Camera of Officer Garbaz is 25 minutes and 33 seconds. It shows officer Garbaz step out of the squad car, walk over to the passenger's side of [REDACTED] vehicle, and walk back to the squad car. It then shows her and another officer discuss the type and the quantity of the tickets to write [REDACTED]. Officers Garbaz and Zamojska then discuss the proper procedure for writing tickets. The officers spend approximately 10 minutes in their vehicle writing the tickets. After they finish writing the tickets they go back to [REDACTED] vehicle, Officer Garbaz remains on the passenger side of the vehicle. Because Officer Garbaz is on the passenger's side of the vehicle, [REDACTED] and Officer Zamojska's discussion cannot be heard. The video shows officers walking back to the car and calling a sergeant based on [REDACTED] request. The officers wait about 5 minutes in their vehicle until a sergeant arrives. Sgt. Stacker arrives on scene and the two officers explain to Sgt. Stacker why they pulled [REDACTED] over, and that she does not believe she needs a license to drive and is refusing to sign the tickets that the officer wrote for her. Officers spend about 2 minutes explaining the scene to Sgt. Stacker. Officer Garbaz stands about 10 feet back from Sgt. Stacker as he's speaking with [REDACTED] through her driver's side window. Officer Garbaz's body worn video shows Sgt. Stacker reaching into [REDACTED] vehicle, and opening the car door. The video shows [REDACTED] stepping out of the car and yelling to unknown bystanders across the street. The video shows Sgt. Stacker yelling at these same on lookers. Officer Garbaz's video shows that while attempting to handcuff [REDACTED] she pulls away. Sgt. Stacker then grabs [REDACTED] arm and places her on her knees on the ground. Officer Garbaz then directs [REDACTED] to let go of her phone while handcuffed.

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
LOG#1085472

The video shows Sgt. Stacker grabbing the phone from [REDACTED]. [REDACTED] is then walked back to the officer's squad car and placed in the back seat. Right before she is placed in the back she screams for someone to go to [REDACTED] and to get her mother and her brother. Officer Garbaz then gets into [REDACTED] vehicle and drives off. (Attachment. 12)

The Body Worn Camera of Officer Zamojska is 31 minutes and 30 seconds. It shows the initial stop and confrontation with [REDACTED]. In it Officer Zamojska asked for the driver's license of [REDACTED] and [REDACTED] explains that she only has her state I.D and her insurance. The initial interaction lasts about 30 seconds. Next, the officers go back to the squad car and speak about prior traffic stops with [REDACTED]. The officers communicate to each other that they never gave her a ticket for failure to have a license because she is valid but nonetheless decide to write her a ticket for failure to produce a driver's license. Officer Zamojska spends about 10 minutes in the squad car writing [REDACTED] about three tickets. When Officer Zamojska explains the tickets to [REDACTED], she cuts her off, raises her voice and tells Officer Zamojska that she does not need a license to drive. Officer Zamojska calmly replies that she does, and [REDACTED] demands a supervisor. Officer Zamojska radios for a sergeant, then waits about five minutes and Sgt. Stacker arrives. Officer Zamojska spends about two minutes explaining background on the situation. The video captures the same footage as Officer Garbaz as they are both standing about 10 feet away from Sgt. Stacker as he is communicating with [REDACTED]. Sgt. Stacker spends about two minutes speaking with [REDACTED] before he sticks his hand in the driver's side window and attempts to open the door. At this point, Officer Zamojska moves closer to Sgt. Stacker. Officer Zamojska's video captures [REDACTED] stepping out of her vehicle, and yelling to unknown bystanders to go to [REDACTED] and get her mother. Officer Zamojska's body worn video camera also captures Sgt. Stacker yelling to the same onlookers to tell [REDACTED] mother that she will get arrested too if she comes and acts a fool. Officer Zamojska walks [REDACTED] back to her squad car then walks to [REDACTED] car and drives [REDACTED] car to the station. (Attachment. 13)

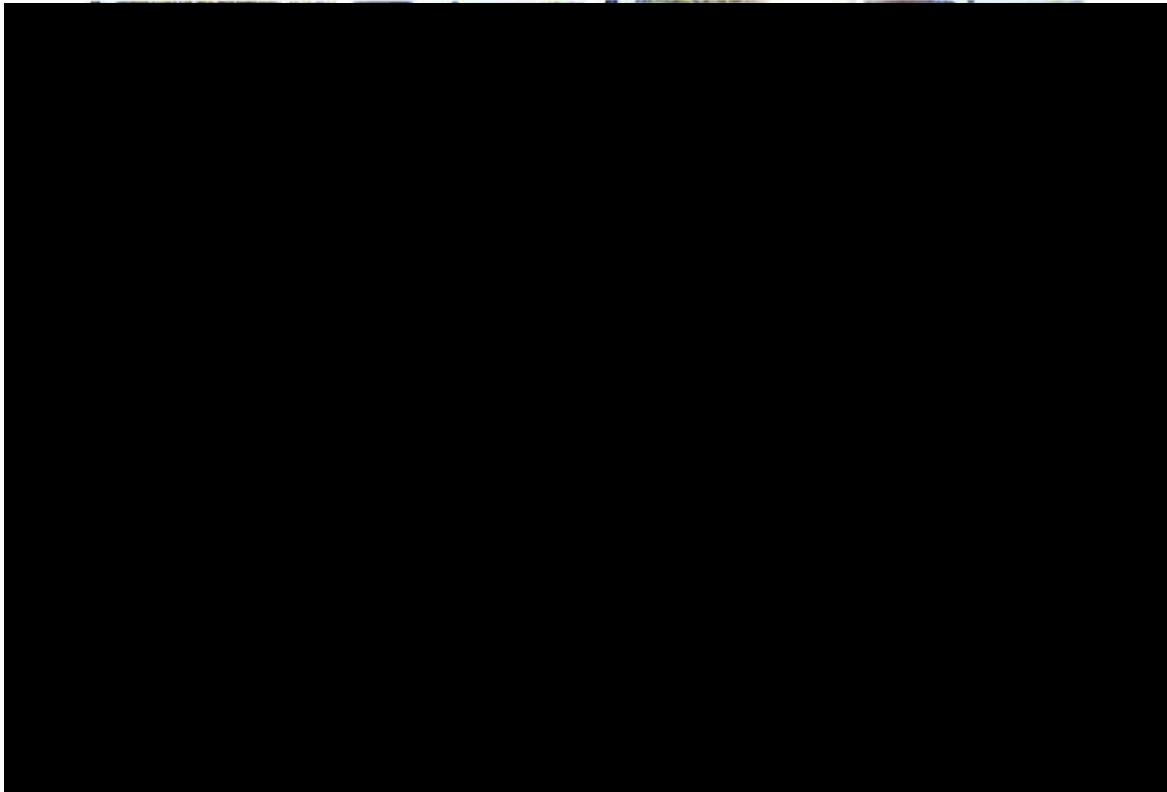
In an **interview with IPRA** on August 29, 2017, **Sgt. Stacker** stated that the video from his body worn camera spoke for itself. He stated that because [REDACTED] did not have a valid driver's license she was a traffic bond violator offender. Sgt. Stacker explained in his interview that as a traffic bond violator [REDACTED] needed to be handcuffed, taken down to the station, and placed in a processing room. The officer then should have written and issued her an I-bond, and released [REDACTED] after she received her I-bond. Sgt. Stacker denied pulling [REDACTED] out of the car. Sgt. Stacker also denied bringing her to her knees in order to handcuff her. Sgt. Stacker insisted that Officer Garbacz's body worn camera showed that [REDACTED] knelt down on her own accord. Sgt. Stacker also stated that the reason he reached into [REDACTED] car was to stop her from driving off. Sgt. Stacker insisted that [REDACTED] reached for the gear shifter and was attempting to start the car and drive off so he reached into the car window to unlock the car and prevent her from driving off. Sgt. Stacker stated that the reason he did not re-explain why [REDACTED] was going to the station was because he had already explained himself once before and he did not feel the need to explain himself again. Sgt. Stacker stated that the reason he yelled at unidentified civilians across the street was because if they were going to give a message from [REDACTED] to her mom, he wanted his message to be heard as well. The interview with Sgt. Stacker was extremely contentious. R/I as well as Sgt. Stacker's attorney, Joseph Andruzzi, had to remind Sgt. Stacker to calm down repeatedly throughout his interview. Throughout his interview Sgt. Stacker displayed a lack of patience and decorum for a person in his position. (Attachment. 14)

Supervising Investigator

Investigator Dwight A. White

CONCLUSION

COPA recommends a finding on **Unfounded** for **Allegation 1** against accused Sgt. Stacker. [REDACTED] alleges that Sgt. Stacker pulled her out of her vehicle after she refused to step out. However, the body worn video camera of Officer Zamojska at minute 20:10 to minute 20:15 clearly shows [REDACTED] step out of her vehicle at the direction of Sgt. Stacker.



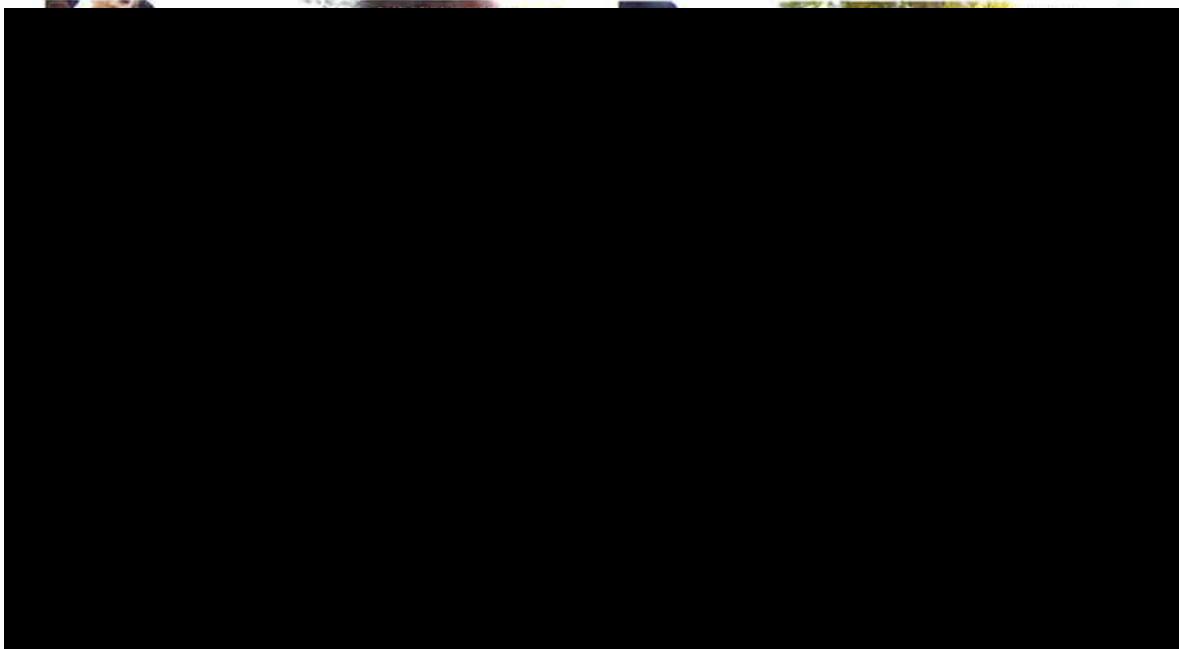
Therefore, since the video evidence is clear that [REDACTED] stepped out of the vehicle on her own, and not pulled out of the vehicle, this allegation must be **Unfounded**. The five photos above are taken at the 20:10 mark of Officer Zamojska's body worn camera video.

COPA recommends a finding of **Sustained** for **Allegation 2** against Sgt. Stacker. [REDACTED] accused Sgt. Stacker of using words to the effect of "I don't give a fuck about you being pregnant". During her

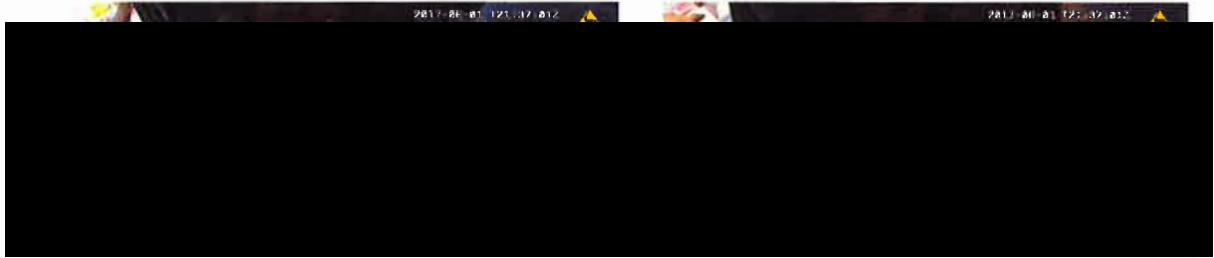
CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
LOG#1085472

interview with COPA, [REDACTED] vividly recalls hearing Sgt. Stacker saying these words. However, the body worn video cameras of all the involved officers clearly show Sgt. Stacker saying, "I don't give a damn" when [REDACTED] informs officers that she is pregnant while being handcuffed. It can be argued that while Sgt. Stacker did not use the word "fuck," in context, the word "damn" had the effect of "I don't give a fuck about you being pregnant." His sentiments express his level of disrespect and contempt for dealing with [REDACTED]. In contrast, at the time the statement was made [REDACTED] was stiffening up and pulling away from Sergeant Stacker. In certain circumstances, profane language when used to express necessary authority such as a verbal order like "drop the fucking gun" may not be considered verbal abuse. However, in the instant case, while the statement was made as Sergeant Stacker was attempting to take [REDACTED] into custody, the statement was not a verbal command or order. Sergeant Stacker could have remained quiet but instead engaged in an unnecessary and demeaning exchange which further escalated the situation. Therefore, this allegation must be **Sustained**.

COPA recommends a finding of **Exonerated** for **Allegation 3** against Sgt. Stacker. [REDACTED] alleges that Sgt. Stacker threw her to her knees causing injury and handcuffed her. In his contentious interview with COPA investigators, Sgt. Stacker denied throwing [REDACTED] to her knees and insisted that she knelt to the ground on her own. In his interview Sgt. Stacker insisted that R/I play the video from Officer Garbacz's body worn camera. Sgt. Stacker insisted that this video showed her kneeling down to the ground on her own. However, the 20:05 mark of Officer Garbacz's video shows [REDACTED] pulling away from Officer Garbacz's hand. It then shows Sgt. Stacker grabbing [REDACTED] closer to him and then moving his hand up to her shoulder. Once his hand is on her shoulder, [REDACTED] goes down to her knees. Officer Garbacz's is standing behind [REDACTED] and to the right side of Sgt. Stacker. The following pictures are taken from the 20:05 mark of Officer Garbacz's body worn video camera.



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
LOG#1085472



At the 20:25 mark of Officer Zamojska's body worn video camera, it shows Sgt. Stacker grabbing [REDACTED] with his right hand and then moving his right hand to [REDACTED] shoulder, it then looks as if Sgt. Stacker is applying pressure and forcing [REDACTED] to the ground. Officer Zamojska's camera angle is right across from Officer Garbacz and Sgt. Stacker. [REDACTED] admits to going to the hospital because her knees were scrapped and because she was three months pregnant at the time. The below pictures are taken from the 20:25 mark of Officer Zamojsk's body worn video camera.



Since both videos seemingly depict Sgt. Stacker applying pressure to [REDACTED] shoulder, forcing her to the ground and since [REDACTED] admits to being injured by Sgt. Stacker's action, COPA finds that Allegation 3 occurred as alleged. However, all the officers' body worn video cameras depict [REDACTED] pulling away as she is being handcuffed. The moment [REDACTED] pulls away from being handcuffed she becomes an active resister.

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
LOG#1085472

The Chicago Police Department's (CPD) General Order G03-02-02 defines an active resister as a person whose actions attempt to create distance between that person and the member's reach, with intent to avoid physical control and/or defeat an arrest. Here, by pulling away as Officer Garbacz was attempting to handcuff her, [REDACTED] became an active resister as defined by CPD's policy.

Moreover, as an active resister, General Order G03-02-02, allows a member to use holding techniques and pain compliance techniques to affect an arrest. Sgt. Stacker performed a holding technique to get [REDACTED], who was an active resister at the time, down to the ground and in compliance with the arrest. COPA finds Sgt. Stacker's actions in this instance were in compliance with CPD General Order G03-02-02, therefore Sgt. Stacker is **Exonerated of Allegation 3**.

COPA recommends a finding for **Sustained** for **Allegation 4** that Sgt. Stacker engaged in unjustified verbal interaction with civilians present near the scene of [REDACTED] arrest. CPD Rule 9 dictates that officers will not engage in an unjustified verbal or physical altercation with any person on or off duty. In this case, during the 4:20 mark to the 4:30 mark of Sgt. Stacker's own body worn video camera, [REDACTED] yells to unknown bystanders across the street to go to her home address of 8040 S. Emerald and get her mother. Sgt. Stacker, completely unprompted, then yells to the same unknown bystanders across the street; to go get [REDACTED] mother, and then tell [REDACTED] mother that she will get arrested too if she comes and "acts a fool."

COPA finds that this conduct violates CPD Rule 9. Sgt. Stacker's yelling to unknown bystanders was unprofessional, disrespectful, and completely unnecessary. When questioned about his conduct Sgt. Stacker was unapologetic, and stated that the reason he yelled at the onlookers was because he wanted the bystanders to deliver his message as well as [REDACTED] message. Sgt. Stacker's conduct was unjustified, bizarre and inappropriate. Thus, **Allegation 4** is **Sustained** against Sgt. Stacker.

Approved:



Deputy Chief Administrator, COPA



Deputy Chief Administrator, COPA

FINDINGS

Accused #1: Sgt. Gregory Stacker star 1876:

Allegations #1 Unfounded

Allegations #2 Sustained

Allegations #3 Exonerated

Allegations #4 Sustained